

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL ORGANIZATION OF  
MASTERS, MATES AND PILOTS, PACIFIC  
MARITIME REGION,

No. C 06-2107-CW

Plaintiff,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

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INLANDBOATMEN'S UNION OF THE PACIFIC,  
MARINE DIVISION, ILWU

No. C 06-2152-CW  
(RELATED CASE)

Plaintiff,

v.

FRAN MAINELLA, et al.,

Defendants.

ORDER ON  
PLAINTIFFS'  
MOTIONS FOR  
PRELIMINARY  
INJUNCTION AND  
ORDER STAYING  
CASE

\_\_\_\_\_  
Plaintiffs International Organization of Masters, Mates and  
Pilots, Pacific Maritime Region (MM&P) and Inlandboatmen's Union of

1 the Pacific, Marine Division, ILWU (IBU) separately move for  
2 preliminary injunctions, seeking to stop Defendants National Park  
3 Service (NPS) and NPS Director Fran Mainella from awarding a  
4 concession contract to Intervener Hornblower Yachts. Plaintiffs  
5 contend that this contract is in violation of the McNamara-O'Hara  
6 Service Contract Act (SCA), 41 U.S.C. § 351. Defendants and  
7 Intervener oppose these motions. The matter was heard on April 28,  
8 2006. Having considered all of the papers filed by the parties and  
9 oral argument on the motions, and for reasons expressed in a  
10 written order to follow, the Court finds that Plaintiffs likely  
11 will succeed on the merits and their members likely will be  
12 imminently and irreparably harmed if a preliminary injunction is  
13 not granted.

14 Accordingly, Defendants are preliminarily enjoined from  
15 awarding a contract, for the continuation of water transportation  
16 services between the City of San Francisco, California and Alcatraz  
17 Island and related services, that permits any contractor or  
18 subcontractor under it to pay its employees providing services  
19 under such contract less than the wages and fringe benefits  
20 specified in Plaintiffs' collective bargaining agreements with Blue  
21 and Gold Fleet, LLP, including any prospective increases in wages  
22 and fringe benefits specified in such collective bargaining  
23 agreements.

24 Plaintiff MP&P's Motion for Preliminary Injunction (Docket  
25 No. 7) is GRANTED. Plaintiff IBU's Motion for Preliminary  
26 Injunction (Docket No. 10) is GRANTED in part, as stated above.  
27 This case is stayed pending the Department of Labor's determination  
28

1 of whether the SCA applies to the concession contract at issue.  
2 The parties shall notify the Court within ten days after the  
3 Department of Labor's determination. This injunction does not  
4 prevent a contractor or subcontractor from seeking a variance from  
5 the Department of Labor. If a variance is granted, Defendants may  
6 move to vacate the preliminary injunction.

7 IT IS SO ORDERED.

8  
9 Dated: 5/1/06



10 CLAUDIA WILKEN  
11 United States District Judge  
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